

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 05-10019-RGS
	)	
DANIEL W. McELROY and	)	
AIMEE J. KING McELROY	)	
_____	)	

**DEFENDANT, DANIEL W. McELROY'S RESPONSE TO THE  
GOVERNMENT'S REQUEST FOR AN EVIDENTIARY HEARING**

The Defendant, Daniel W. McElroy, has clearly objected to the loss calculations in the Pre-Sentence Report.

In Objection #8, Mr. McElroy stated, "also, the calculation of this [tax] loss relies on facts not introduced at trial and the Defendant does not accept them as valid." Also, in Objection #9, Mr. McElroy stated, "In addition, McElroy disagrees with the assumption in this larger tax loss." And in Objection #11, McElroy objected to the inclusion of the state tax loss. Further in Objection #13 he objected "to the calculation of the fraud loss."

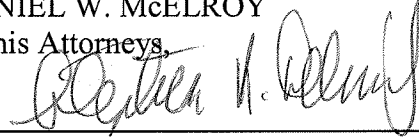
The government's new loss figures, which the Probation Department has adopted, have not been proven and Mr. McElroy does not accept them or their methodology. It is

the government's obligation to prove them.

Respectfully submitted,

DANIEL W. McELROY

By his Attorneys,



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DATED: July 1, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 7-1-08

By: 